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E.O. 12958: DECL: 02/25/2018
TAGS: [EAIR](#) [ETRD](#) [ETTC](#) [KLI](#) [PREL](#) [IR](#) [KS](#) [UK](#)
SUBJECT: SEOUL RESPONSE: REQUEST TO HOLD U.S.-ORIGIN
COMMERCIAL AIRCRAFT BOUND FOR IRAN

REF: STATE 18255

Classified By: DCM BILL STANTON FOR REASONS 1.4 (B&D).

11. (U) This is an action request. Please see Para 6.

12. (S/NF) The Ministry of Foreign Affairs and Trade's (MOFAT) Divisions of Disarmament and Nonproliferation, and Security and Counter-Terrorism Cooperation took immediate action following our reftel demarche on February 23. Non-proliferation Division Director Lee Jang-keun confirmed the location of the subject aircraft with civil aviation officials and placed a temporary hold action on the planes that day. Subsequently, Lee requested our demarche be formally presented in the form of a diplomatic note and sought more specific USG views on how to facilitate the U.S. Department of Commerce redelivery order in the event of the Balli Group's (BG) non-compliance.

13. (S/NF) Upon receipt of the requested diplomatic note on February 25, Lee requested additional information, specifically:

--How long should the ROKG hold the aircraft? (A temporary hold can be easily effected on safety grounds, but such a hold cannot be placed indefinitely, Lee noted.)

--Has BG's Houston office responded to the Dept. of Commerce's redelivery order?

--Confirmation that the aircraft in question are U.S.-registered. (The aircraft tail numbers indicate they were originally registered by United Airlines in the U.S.)

--Confirmation that we are seeking the British Government's cooperation in facilitating the redelivery order since the aircraft are owned by a British-based company, and, if so, what is the response?

14. (S/NF) Lee verified the two aircraft at Incheon (tail nos. N192UA and N106UA) arrived in Korea in January 2006 and September 2007, respectively, and, after the recent completion of necessary overhauls, are both ready to fly. The other aircraft at Busan's Kimhae airport (tail no. N185UA) arrived in Korea in April 2007 and is still under repair. BG has yet to pay the maintenance bills for the first two aircraft and appears to be facing difficulties in leasing them. Lee said BG is reportedly seeking a Greek

airline (and not an Iranian) partner for the aircraft at this time, but no information is available on the identity of these Greek prospects.

15. (S/NF) Lee stressed that the ROKG had the statutory authority to hold the aircraft for a period of time but had limited authority to facilitate a U.S. Commerce redelivery order. Lee added that the ROKG had no precedents for redirecting aircraft to another country and thus was concerned whether there was a legal basis for taking such extraordinary action. He sought our views on the "law enforcement alternatives" that the USG was currently considering in this case.

16. (S/NF) ACTION REQUESTED: Post would appreciate responses to the four questions in para (3) above and any additional guidance to help the ROKG assess the legal ramifications of this case, in the event of BG's non-compliance with Commerce's redelivery order.
VERSHBOW